ABOUT GROWTH

A QUARTERLY PUBLICATION ABOUT GROWTH MANAGEMENT FALL 2004

Washington State Department of Community, Trade and Economic Development

Contents

36 Eastern Washington communities adopt critical areas updates

By William Grimes, AICP
Principal, Studio Cascade Inc.

In a recent wave of work to draft and adopt critical areas regulations, 36 of our client towns and cities in five counties adopted critical areas ordinances (CAO) updates that incorporate the best available science. Although these 36 towns are within counties planning under different Growth Management Act (GMA) requirements (Pend Oreille, Stevens, Lincoln, Adams, and Whitman), all approached critical areas regulation in the same way. Regulations needed to be effective, easy to administer, inexpensive to implement, and meet GMA and Washington State Department of Ecology requirements.

Where possible, the new CAO updates also needed to be incorporated into concurrent zoning or comprehensive plan updates.

An easy-to-implement ordinance was particularly important. Only one of these municipalities has a planning department, and many had no full-time city hall staff of any kind. These agencies need to be able to administer the ordinances consistently, accurately, and fairly without relying on a consultant or knowledgeable staff to be on hand at the permit counter.

The effort began with a map-based assessment, relying on Washington Department of Fish and Wildlife habitat maps, Flood Insurance Rate Maps, Washington State Department of Natural Resources aerial photography, Soil Conservation Service data, county data, and the National Wetlands Inventory to establish

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Eastern Washington streams can be particularly vulnerable. Springdale elected to keep Sheep Creek as natural as possible on its course near the town center.

Photo / William Grimes

ABOUT GROWTH

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CTED is the state's lead agency charged with providing financial and technical resources to build livable and sustainable communities.

Juli Wilkerson, *CTED Director*

CTED administers the state's Growth Management Act. Its role is to assist and enable local governments to design their own programs to fit local needs and opportunities, consistent with the GMA.

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About Growth features topics that are of high interest and strives to reflect a wide range of views from various perspectives. The views expressed are those of the authors and not necessarily CTED's opinions or positions.

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Communities making progress in critical areas work

By Leonard Bauer
Managing Director, Growth Management Services

When the GMA was adopted in 1990, one of the first actions required of all local governments in the state was to designate and protect critical areas. These areas were referred to as "critical" for a reason – they provide crucial habitat for fish and wildlife, provide water for human consumption, preserve air and water quality, and absorb most of the impact of natural hazards such as floods, earthquakes, and landslides. Protecting critical areas from development and other encroachments may be the most efficient and effective way to protect human life and property from damage, preserve the environment, and maintain a high quality of life for Washington citizens.

For many communities, though, adopting critical areas protections was also one of the most challenging GMA provisions. Long and sometimes heated discussions occurred in many meeting rooms around the state regarding what level of protection was needed and the potential effects of proposed regulations on future uses of adjacent properties. Many jurisdictions had little scientific information available to assist decision-makers. Understandably, local government staff and elected officials may be reluctant to revisit these hard-fought critical areas protections.

Over the past 14 years, however, much has changed. Scientific information related to critical areas, while not as complete in some areas as many would like, has advanced significantly. This is particularly true in the areas of aquifer protection and geologic hazards.

The GMA now requires inclusion of the best available science in developing policies and development regulations to protect the functions and values of critical areas. While this provision was first adopted in 1995, local governments must complete this work as they review, and if necessary, update their comprehensive plans and development regulations. For many Puget Sound area jurisdictions, the deadline for this work is December 1, 2004. These jurisdictions and others are making tremendous progress in reviewing their existing critical areas programs in light of the scientific information available. They are leading public discussions regarding the most effective ways to protect these critical areas, and how to do so in a way that preserves private property rights and the character of their community.

This is difficult work – but there are many examples of cities and counties that are successfully completing it. This issue of *About Growth* highlights a few of these jurisdictions. They are carefully considering optional approaches to:

- Protect the health and safety of their citizens.
- Protect property from damage due to natural hazards or impacts from inappropriate development in neighboring critical areas.
- Preserve the quality of the aquifers that provide their drinking water.
- Protect important habitat for local fish and wildlife species.

Many of them are finding the process of reviewing and updating critical areas helps them accomplish other goals, such as updating shoreline master programs, incorporating open space plans, considering stormwater regulations, gaining protection from liability under the Endangered Species Act, and creating regional consortiums of local governments for work on other projects.

State agencies continue to assist local governments in this process. Growth Management Services' Web site at *www.cted.wa.gov/growth* provides links to many resources, including the Critical Areas Assistance Handbook produced in 2003. This issue also provides information on other resources from the Washington State Department of Ecology and Military Department's Emergency Management Division. Maintaining a close partnership between state and local governments is helping communities successfully preserve their environment and quality of life.

New director sees GMA as framework for development

Juli Wilkerson is the new director of CTED.

As the leader of the state agency responsible for enhancing and promoting sustainable communities and economic vitality in Washington, Wilkerson believes that growth management plays an important role in how communities prepare for the future.

"Growth management provides a framework local governments can use to direct growth and development to achieve the vision they want for their community," said Wilkerson. "Local governments are making a tremendous amount of progress with their growth management planning. We are beginning to see examples on-the-ground of how growth management is making a difference."

Wilkerson most recently served as director of the City of Tacoma's Economic Development Department.

Her other positions at the City of Tacoma included director of Planning and Development Services from 1995-1998 and assistant city manager from 1991-1995. Before joining the city, Wilkerson held management positions at the Washington State Department of Revenue and the state Attorney General's Office.

Wilkerson earned a Juris Doctorate from Gonzaga University School of Law in 1983 and received her bachelor and graduate degrees from the University of Nebraska.

Federal permit results in win-win environmental regulations

By Ryan Windish
Senior Planner, City of Sumner

The City of Sumner utilized a collaborative process for updating the city's critical areas regulations and Shoreline Master Program and involving the public, state, and federal agencies. The result:

- Updated critical areas regulations using the best available science.
- An amended 30-year old Shoreline Master Program that meets Endangered Species Act (ESA) requirements.

Sumner conducted an initial "kick-off" workshop to inform property owners and agencies of the process and then followed up with 13 public meetings and numerous public hearings at different stages. The city also maintained an ongoing mailing list and Web site information throughout the process.

Consultants conducted the best available science review and a shoreline inventory and drafted stream, wetland, and shoreline regulations. Consultants were invaluable in providing technical expertise and documentation and acting as a liaison between staff and property owners.

A unique set of circumstances resulted in both the stream and wetland regulations and the draft Shoreline Master Program being reviewed by federal agencies (U.S. Army Corp of Engineers, U.S. Fish and Wildlife, and National Marine Fisheries Service) for compliance with the ESA. Simultaneous to the update process, the city and Washington State Department of Transportation were seeking a permit from the Corps of Engineers for filling wetlands as part of construction of an interchange on SR 167 in the growing industrial area of the city. The permit process required consultation with the federal agencies because the permit would affect both a salmon bearing stream and the White River. As conditions of the permit, the city agreed to modify the critical areas and shoreline regulations to:

- Retain a 200-foot buffer on the White River.
- Prohibit stormwater facilities in the buffer.
- Construct a planned regional trail on only one side of the river and where possible keep it out of the buffer area.
- Set aside 30 acres of city-owned land for future habitat restoration activities.
- Limit development of 185 acres of vacant city-owned land to 40 percent impervious surface.
- Notify federal agencies for variances or amendments to the regulations.

The city in turn received an Incidental Take Statement for future construction in the 1,500-acre action area. These requirements will go a long way in protecting the fish resource and the city from potential "take" liability under ESA.

The city is located in the mudflow path of Mount Rainier and therefore regulates for "volcanic hazards." When Mount Rainier erupts, the city residents have between 45 minutes to 1.5 hours to evacuate. Warning will be given through weather/emergency radios, sirens, and a network of pagers carried by school personnel. The debate over regulations centered on how and to what degree the city could protect the public from this monumental hazard without prohibiting things such as new schools from locating in Sumner. Ultimately, the city decided to prohibit jails, hospitals, institutional care facilities with more than 50 incapacitated patients, and new buildings with an occupancy load of 5,000 or more. This is similar to the draft proposals in Pierce County.

Sumner is awaiting new guidance documents from the Washington State Department of Ecology before proceeding with an update to the wetland regulations.

WHATCOM COUNTY PLANNING & DEVELOPMENT
NATURAL RESOURCE MANAGEMENT

Whatcom County coordinates natural resource planning

Jeff Chalfant, AICP
Senior Natural Resources Planner, Whatcom County

Whatcom County is updating its critical areas ordinance (CAO) and Shoreline Management Program (SMP).

Like many jurisdictions, Whatcom County has several ordinances that deal with natural resource management. Parallel planning processes are also at work in the county that address natural resources management: Water Resource Inventory Area (WRIA) I Watershed Management Planning, salmon recovery, shellfish protection, and the Lake Whatcom Management Program.

Integration of these ordinances and programs is a focus of the CAO and SMP updates. Through integration, consistency will be developed and unnecessary redundancy and gaps in environmental regulations eliminated. The effort also will ensure that information generated as a part of other planning efforts informs the update and implementation of the CAO and SMP.

To achieve its integration goal, Whatcom County is developing a comprehensive strategy. Its purpose is to ensure that the scientific information generated through parallel planning processes is used effectively in the update processes.

The county has organized a technical advisory committee (TAC) that is designed to bring substantial expertise, experience, and local knowledge to the table. The TAC is made up of the agencies and governments that are involved in the development of the WRIA I Watershed Management Plan and the Salmon Recovery Plan including the Lummi Nation, Nooksack Tribe, City of Bellingham, Small Cities Caucus, Port of Bellingham, and Whatcom Conservation District plus various state agencies.

Whatcom County's integration strategy recognizes the importance of cooperating with other community natural resource management efforts. One example is the development of comprehensive irrigation district management plans (CIDMPs). The plans are being developed by the agricultural community as a way of achieving a broad spectrum of natural resource management objectives in innovative ways while maintaining the economic viability of agriculture.

During its critical areas and shoreline updates, Whatcom County is integrating natural resources management, eliminating redundancy and gaps in environmental regulations.

Photo courtesy of Whatcom County

A CIDMP is being developed in the Bertrand Creek Watershed by the local watershed improvement district (WID). It's anticipated that the WIDs will develop contracts with federal services, tribes, and state agencies on water resources and habitat management. As a result, it's important that the SMP and CAO updates be coordinated with these efforts so that local regulations take full advantage of these agreements rather than interfere with them.

SMP and CAO work programs identify the WID as an agency that will be invited to participate in the update process. Since it's anticipated that CIDMP efforts may be in progress when the CAO and SMP are adopted, an adaptive management approach will be explored to allow for appropriate integration when the CIDMP has been completed.

Whatcom County also is conducting a review of existing county environmental and natural resource management policies and regulations to identify problems with and/or opportunities for more consistency and coordination between programs, with a specific emphasis on SMA and GMA integration (ESHB 1933). The county will create a matrix to facilitate this analysis, and county staff will interview development-permit applicants and internal staff to identify administrative problems or conflicts with county regulations. A report will be prepared outlining recommended changes.

Monroe adopts critical areas regulations, using the best available science

By Kate Galloway, AICP
Planner, City of Monroe

The City of Monroe spent 15 months and about $31,000 to complete its interim critical areas regulations, which were adopted in September 2003. The city hired The Watershed Company as its wetlands' specialists and to assist with various projects to comply with amendments to the GMA and ESA.

Preparation and adoption of the critical areas regulations included a review of the existing Sensitive Areas Guidelines, which were adopted by resolution in 1990, against the requirements of the GMA to use the best available science, and the recommendations included in *Model Code Recommendations for Designating and Protecting Critical Areas* (Model Code), First edition (2nd Draft), prepared by CTED, May 2002. The city opted to use the Model Code as the outline for the new regulations. The most noticeable deviation from the Model Code is the stream buffer widths, which the city based on Appendix C of the Tri-County Salmon Conservation Coalition's document, *Draft Best Available Science Resource Document.*

The most significant changes to the critical areas regulations previously in place include the adoption of the *Washington State Wetland Rating System, Western Washington,* Washington State Department of Ecology, Publication #93-74 and Washington State Department of Natural Resources' water classification systems (WAC 222-16-031). The most progressive provision is the 100 percent limited density transfer for areas on a parcel of land that is encumbered by a critical area. This provision also allows the minimum lot size to be reduced to 6,000 square feet to accommodate the total density.

Lessons learned from this project include:

- Involve known special interest groups early in the process.
- Overestimate the amount of time and money it will take to complete your review and adoption process.
- The work is never really finished.
- One size does not fit all.

The city's regulations establish standardized buffer widths for all forms of critical areas. In June 2004, the city encountered its first test with regards to a water feature that has historically been referred to as a ditch and is located within a planned industrial/commercial development. The "fish ditch" has year-round flow and provides habitat for Coho salmon and sticklebacks. The city is working with affected property owners/developers, the Washington Department of Fish and Wildlife, and The Watershed Company to come up with an appropriate means of protecting the subject feature, while complying with the new regulations.

Finally, the city is completing a critical areas inventory in 2004 and anticipates completing the final critical areas regulations in 2005. The remaining sections requiring review are the critical aquifer recharge areas and the frequently flooded areas. The city will also be adding variance procedures and an alternative review/mitigation process for applicants who feel the "one size fits all" approach is not appropriate for their specific situation. The provision would enable submittal of additional scientific research and analysis to provide an alternative mitigation proposal that maintains the functions and values of the affected critical area.

Monroe's critical areas regulations establish standardized buffer widths for all forms of critical areas.

Photo courtesy of the City of Monroe

Edgewood's critical areas ordinance fits community

By John R. Adamson
Director, Edgewood Department of Community Development

Adopted in December 2002, the City of Edgewood's critical areas ordinance (CAO) includes regulations for most of the environmental constraints found in the city. Since that time, the city's CAO has been an effective regulatory tool that balances private property rights with environmental protections.

Prior to 1996, Edgewood was an unincorporated, semirural community squeezed between Milton, Sumner, and Puyallup. As those cities began developing their comprehensive plans, they looked to this area, also known as North Hill, as possible extensions of their urban growth boundaries. However, because Edgewood was a century-old community with strong traditions, residents were concerned about being split between other communities. This led to incorporation in February 1996.

Edgewood has been an area of farms and larger lot developments located on an upland overlooking the Puyallup and White River valleys in northeastern Pierce County. The land is riddled with pothole wetlands, hardpan clay layers, steep, unstable slopes, and several salmon-bearing streams. These environmental constraints have been and continue to be constraints on more dense urban development.

The citizens who incorporated Edgewood recognized the environmental limitations of the city and drafted the comprehensive plan and development regulations to protect this fragile environment.

The city created a blue ribbon citizens' committee to assist in identifying environmental constraints to development capacity. The committee, composed of citizens with geologic, natural resource, wetland, mapping, and legal expertise evaluated the requirements, studied the best available science, and performed a windshield survey of the city. This survey was added to existing environmental constraint maps created by FEMA, the National Wetlands Inventory, Pierce County, and other governmental agencies. An environmental consultant worked with the committee and city staff to finalize the maps.

The CAO was developed using environmental experts, city staff, and professionals from the community and gathering input from citizens.

A draft ordinance and set of maps were prepared. Since public input and review is important to the city, the city council and staff spent many months reviewing the maps and draft CAO with citizens and property owners.

The maps created by the city are used for illustrative purposes only. If any critical area is identified on a map, a separate expert opinion of the type and extent of the critical area must accompany any development application for the specific parcel.

Edgewood's CAO is working well. The potholes, wetlands, and other environmentally sensitive areas are being protected and are providing for flood storage. Environmentally sensitive steep slopes are being protected.

Here are tips for other communities developing CAOs:

- Involve citizens, including property owners, as well as experts. Offer public meetings and neighborhood get-togethers to discuss the reason for the ordinance and other issues.
- Recognize that you must have a sound scientific basis for developing your CAO because you will be restricting development on property. CTED has prepared an excellent handbook that can be used as a starting place.
- Require that an expert opinion accompany any land use application on specific properties where critical areas are shown on a general map.

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Continued from page 1

a series of critical areas layers. When combined, these layers constituted a composite critical area overlay that was available to the agencies as an electronic map file compatible with software the agency could support. For many, this project provided them with their first-ever digital map.

Language in the ordinances was drawn from the Washington State Department of Community, Trade and Economic Development (CTED) handbook and condensed, referring to the overlay map as much as possible and written to be interpreted and applied by nonplanners.

The ordinances require project applicants to conduct critical area assessments when their projects would be located within 200 feet of an identified critical area. These assessments are required to conform to the best science available at the time of project application, and they are to be circulated to state and federal agencies, as appropriate, for review.

The 36 local governments also received new development permit forms including a CAO prompt, as well as other information to facilitate staff's handling of project applications.

As part of this process, the towns and cities formed consortia, acting together to apply for funding, to manage the consultant contract, and to review their counterparts' CAO updates. This consortium vehicle has remained in place since completion of the CAO updates, a valuable organization for intercity communication and cooperation.

All CAO updates prepared for these 36 towns and cities were funded by a grant from CTED.

Landscape analysis for wetlands being used in state

By Stephen Stanley
Wetlands Restoration Biologist,
Washington State Department of Ecology

Over the past year, the Washington State Department of Ecology (Ecology) has been working with several communities, including the cities of Leavenworth and Ridgefield and Whatcom County, to address environmental problems through application of a landscape scale analysis. Such an analysis allows local planners to understand how environmental factors may be affecting critical habitats within a specific watershed(s) and to develop measures that will protect and sustain those habitats.

Awareness is increasing among scientists and planners that regulating critical resources at the site scale fails to provide the area's long-term protection. This is because environmental processes operating at a landscape scale – such as the movement of water, wood, and sediment – control both the type of habitat that forms in response to these processes and how it will function. By considering the interaction of these landscape processes with climate, geology, and topography, a basic "picture" of habitat conditions, including alterations, can be obtained and preliminary measures to protect and restore these habitats identified.

For example, Ecology recently assisted the City of Leavenworth in applying a landscape analysis to understand the cause of increased flooding in the Ski Hill area north of the commercial core. Since the early 1990s, new residents thought the increased surface and subsurface flooding was the result of increased development and/or upper watershed alterations (e.g. fire, logging).

The landscape analysis indicated that the "purported" increased flooding was due to a combination of factors including (1) groundwater moving from several subbasins along a fault zone and discharging in a localized area, (2) topography, and (3) a wetter climatic cycle. Additionally, the analysis identified potential historic water patterns, a key wetland restoration area, and overall development measures that would reduce flooding.

On the basis of this landscape analysis, the city wrote a grant for incorporating the analysis into a green infrastructure plan for the Ski Hill area. A grant was awarded to the city by CTED earlier this year, and the city is presently in the process of hiring a consultant to prepare the plan. As a smart growth tool, green infrastructure planning attempts to develop an interconnected network of protected land and water areas that support native species, maintain landscape processes, sustain air and water resources, and contribute to the physical and economic health and quality of life of communities.

Whatcom County is currently incorporating Ecology's landscape characterization and analysis into their shoreline plan update. The template of their characterization and analysis will be posted on the Ecology Web site within the next two months.

An introduction to the landscape approach is provided both in Volume 2 of the Wetlands in Washington State and at *www.ecy.wa.gov/progams/sea/landscape.* The Web site provides draft guidance on applying the approach to planning updates and includes several examples that can be downloaded.

Ecology wetlands update

By Dana L. Mock
Wetlands Specialist,
Washington State Department of Ecology

The Washington departments of Ecology and Fish and Wildlife are distributing a draft of *Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands* for review. This document is the second of two volumes on protecting wetlands using the best available science. Volume 2 provides guidance for protecting and managing wetlands, based on the science presented in Volume 1.

Volume 2 contains the state agencies' recommendations for the most effective ways to protect wetland functions and values. It's being developed to assist local governments meet GMA requirements. Local governments are encouraged to consider the recommendations, but they are not required.

One of the key themes of Volume 2 is that the traditional site-by-site, project-by-project approach to managing wetlands doesn't provide sufficient protection, since it often fails to recognize wetlands' role across a broader landscape. The document refers to methods for landscape analysis and contains specific guidance on subjects such as buffer widths, wetland rating, ratios for compensatory mitigation, suggested regulated activities and exemptions, and tools for wetland stewardship. Examples and sample code language are also provided.

Ecology is revising volumes 1 and 2 and plans to finalize them by December. Local governments may use drafts as a tool as they update their plans and policies to meet GMA requirements.

To obtain a copy of Volume 2: (1) download from Ecology's Web site or (2) request a CD or hard copy from Dana L. Mock at *dmoc461@ecy.wa.gov.*

At legislative direction, Ecology is conducting a one-year pilot rule for the certification of wetland banks. For information, contact Lauren Driscoll at *ldri461@ecy.wa.gov* or visit *www.ecy.wa.gov/programs/sea/wetmitig/index.html.*

Ecology has revised the Washington state wetland rating systems for Eastern and Western Washington. The final versions are now available. For information, contact Tom Hruby at *thru461@ecy.wa.gov* or visit *www.ecy.wa.gov/programs/sea/wetlan.html.*

Preparing your natural hazard mitigation plan

By Marty Best
State Hazard Mitigation Programs Manager, Emergency Management Division, Washington State Military Department

For communities around the nation, the deadline for developing a local mitigation plan for approval by the Department of Homeland Security, Federal Emergency Management Agency (FEMA) is approaching. By November I, 2004, communities must have a FEMA-approved natural hazard mitigation plan to be eligible for the various federal mitigation programs, including those made available following a major disaster declaration by the President.

So, if you haven't started, now would be an excellent time to review your situation and begin the process.

First of all, keep it simple. For the purposes of this plan, FEMA is only requiring "best available data" as the basis of your plan, and the plan is limited to the natural hazards that impact your community. You don't need to fund new flood studies or new engineering studies; simply use what data is already available. Some places to look are:

- Your current growth management comprehensive plan.
- Your GMA critical areas ordinance.
- Any existing natural hazard plans Flood Control Assistance Account Program (FCAAP flood plans, for example).
- Shoreline management plans.

If you've researched and developed a good critical areas ordinance (CAO), then you've already made a major effort in the right direction. When combined with information from your county Hazard Identification Vulnerability Assessment (HIVA), you have almost 80 percent of the data needed to develop a compliant plan.

Additionally, there's a tremendous amount of material (maps, historical data, etc.) available on Web pages that can support your planning activities.

Next, keep it focused. Focus on hazards your community is likely to experience. If you want to include human-made and technological hazards, you may do so, but this could be included as part of your five-year update. If earthquakes and floods are your most damaging natural hazards, focus your efforts on assessing these hazards and developing the appropriate mitigation strategies. Leave potential "asteroid" strikes for the update phase.

Engage the public in the process and keep them involved. A major part of the FEMA requirement for plan approval is an open public process. Additionally, the National Environmental Policy Act (NEPA) is a major factor in project selection and funding for mitigation grant programs. By including the public, you gain:

- Valuable insight into their perspectives of risks and hazards, as well as potential mitigation strategies.
- Resources in helping you complete the plan (volunteers).
- Early public buy-in to potential mitigation projects, helping to streamline your application process.

Then, develop a process. Use what you have used before, whatever works for your community. Once you have a process established, it's easier to add other communities (for a regional effort) or other hazards that come to your attention.

Here are links to help: *www.trpc.org, www.riversidefire.us,* and *www.skagitcounty.net.*

Next, look over a copy of the FEMA/Emergency Management checklist to get an idea of what is expected.

Then, develop mitigation actions and strategies. They're things that will significantly reduce or eliminate the cost/impacts of the next disaster. Amending plans, buying equipment for firefighters, watching for rain, etc., are not mitigation actions. If you identify vulnerability from hazards in your community, you need to develop actions to eliminate or reduce the risk to that hazard.

Finally, ask questions. It's Emergency Management's intent to partner with you in the development of your local plans. Call 253-512-7073 or e-mail *m.best@emd.wa.gov* for further information.

Planners' forums news

The Planning Association of Washington, the Washington Chapter of the American Planning Association, and CTED jointly sponsors four Regional Planners' Forums.

The Eastern Washington Forum, in existence for more than a decade, is held quarterly in Moses Lake. The three west-side forums, which are also scheduled quarterly, include: Northwest Washington Forum, Mount Vernon; Olympic Peninsula Forum, Poulsbo; and Southwest Washington Forum, Vancouver. The forums are scheduled from 9 a.m. to 3 p.m. There is no charge to attend. Participants are on their own for lunch.

Fall 2004 forum dates include: Eastern Washington Forum (October 13); Olympic Peninsula Forum (October 14); Northwest Washington Forum (October 20); and Southwest Washington Forum (October 21).

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